

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

LOCALS 302 AND 612 OF THE  
INTERNATIONAL UNION OF  
OPERATING ENGINEERS  
CONSTRUCTION INDUSTRY HEALTH  
AND SECURITY FUND; et al.,

Plaintiffs

v.

GASTON BROS. EXCAVATING, INC., a  
Washington corporation,

Defendant.

NO. CV05-1277TSZ

JUDGMENT

**Summary of Judgment**

Judgment Creditor:	International Union of Operating Engineers Trust Funds
Judgment Debtor:	Gaston Bros. Excavating, Inc.
Principal Judgment Amount:	\$8,338.84
Interest to Date of Judgment:	\$228.90
Attorneys Fees:	\$435.00
Costs:	\$296.50
Other Recovery Amounts:	NONE
Percent Interest on Principal:	Twelve percent (12%) per annum
Interest Rate on Costs:	NONE
Attorneys for Judgment Creditor:	REID, PEDERSEN, McCARTHY & BALLEW, L.L.P.

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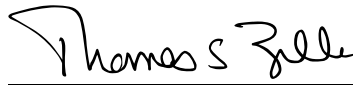
THIS MATTER coming on for consideration upon Plaintiffs' motion for judgment against the Defendant, Plaintiffs being represented by their attorney, Russell J. Reid of Reid, Pedersen, McCarthy & Ballew, L.L.P., Defendant not being represented, and the Court having reviewed the records and file herein, including the affidavit of Russell J. Reid and the exhibits thereto in support of Plaintiffs' motion, and being fully advised in the premises, now, therefore, it is hereby

ORDERED, ADJUDGED AND DECREED that Plaintiffs be and hereby are awarded judgment against Defendant in the amounts hereinafter listed, which amounts are due the Plaintiff Trusts by Defendant for its inclusive employment of members of the bargaining unit represented by Local 302, with which the Defendant has a valid collective bargaining agreement, and which amounts are due by reason of its specific acceptance of the Declarations of Trust: for contributions of \$6,436.64; for dues of \$473.54 for liquidated damages of \$1,428.66, for pre-judgment interest of \$228.90, for attorneys fees of \$435.00, and for costs of \$296.50; all for a total of \$9,299.24, together with interest accruing thereupon at the rate of 3.76% per annum from the date of entry hereof until fully paid.

Since the foregoing contribution and dues amounts are based on information provided Plaintiffs in the Defendant's remittance reports alone and the amounts for the period July 2005 have not been verified through an independent audit, this judgment shall not foreclose Plaintiffs, based on res judicata principles or other legal principles, from collecting additional contributions, dues, liquidated damages, interest and attorneys fees for the time period July 2005, if a future audit or some other source reveals that Defendant owes the Plaintiffs

additional amounts for said period, or from collecting contributions, liquidated damages, interest, attorney's fees and costs for any period other than July 2005.

JUDGMENT ENTERED this 14th day of September, 2005.

A handwritten signature in black ink, reading "Thomas S. Zilly". The signature is written in a cursive style with a large, stylized 'T' and 'Z'.

\_\_\_\_\_  
THE HONORABLE THOMAS ZILLY

Presented for Entry by:

s/Russell J. Reid\_\_\_\_\_

Russell J. Reid, WSBA #2560  
of Reid, Pedersen, McCarthy & Ballew, L.L.P.  
Attorneys for Plaintiffs